

MARTIN LUTHER KING DAY CELEBRATORY SPEECH VERMONT LAW SCHOOL, 2008

Julius LeVonne Chambers*

INTRODUCTION BY PROFESSOR GIL KUJOVICH**

I have the distinct honor of introducing our guest today. Please bear with me for a few moments as I find it difficult to summarize even the highlights of the remarkable life of this remarkable man.

Julius Chambers was born in 1936 in rural North Carolina, where his father owned an automobile repair shop. He grew up in the Jim Crow South. *Brown v. Board of Education* was not decided until the year he graduated from high school. Thus, Mr. Chambers experienced the racism and discrimination and insults that characterized that era, including the denial of access to the colleges and universities that North Carolina established exclusively for its white students.

Thus, he entered North Carolina College (now North Carolina Central University), which was one of the Black public colleges that the state supported to preserve segregation. He graduated summa cum laude with a B.A. in history and then attended the University of Michigan where he earned an M.A., also in history.

By that time the law school at the University of North Carolina–Chapel Hill, under pressure from litigation, was admitting a small number of Black students. One of these in 1959 was Julius Chambers. As a law student, he became Editor-in-Chief of the *North Carolina Law Review*, was elected to Order of the Coif, and graduated first in his class.

From there Mr. Chambers went to Columbia University Law School where he earned an LL.M. and served a one-year stint as one of the first interns at the NAACP Legal Defense and Educational Fund, at that time headed by Director Counsel Thurgood Marshall. The internship program in which Mr. Chambers participated provided training in civil rights litigation to promising young attorneys and then sent them home to practice in their home states as LDF “cooperating attorneys” specializing in civil rights law.

And cooperate and specialize he did. He opened a one person law firm in Charlotte, North Carolina that became the first integrated law firm in the

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state and one of the premier civil rights law firms in the United States. Through its active civil rights litigation practice, Mr. Chambers' firm helped to change the South.

But not all of the South welcomed that change. Because of his efforts to seek the most rudimentary forms of racial equality, Mr. Chambers' life was threatened and his car, his office, and his home were firebombed.

This, of course, did not deter him. He won numerous landmark civil rights cases in the U.S. Supreme Court, including *Swann v. Charlotte-Mecklenburg Board of Education*, in which the Court endorsed busing as a means of achieving school desegregation, and *Griggs v. Duke Power Company*, which is among the most important of all cases ever decided under Title VII of the Civil Rights Act of 1964.

In 1984, Mr. Chambers returned to the NAACP LDF as the third Director-Counsel in the organization's history, after Thurgood Marshall and Jack Greenburg. During his distinguished term of service, the LDF continued its unrelenting defense of civil rights and countered the political assault on affirmative action programs and civil rights statutes, including the Voting Rights Act of 1965. It was during this period that Vermont Law School student and now VLS Associate Dean Shirley Jefferson was an intern at the LDF.

Mr. Chambers served as Director Counsel of the LDF until 1992 and he currently serves as a member of Board of Directors of that organization.

After surrendering the Director Counsel position to Elaine Jones (another member of the Vermont Law School extended family), he returned to his home state to become Chancellor of North Carolina Central University. Under his leadership, the University established ten endowed chairs and built a biomedical/biotechnology research institute with a special focus on research concerning diseases that disproportionately affect underrepresented minority groups. That institute is now known as the Julius L. Chambers Biomedical/Biotechnology Research Institute. This facility is a far cry from Mr. Chambers' early years in rural North Carolina where, he has observed, "my high school had one microscope, and it didn't work."

While he was Chancellor of North Carolina Central, he continued his involvement in civil rights cases as, for example, one of three attorneys who argued in the Supreme Court the case of *Shaw v. Hunt*, concerning creation of majority-minority districts under the 1965 Voting Rights Act.

Mr. Chambers retired from his position as Chancellor in 2001 and reentered private law practice with the firm he had started, now known as Ferguson Stein Chambers Gresham and Sumter. He also currently serves as the Director of the Center for Civil Rights at the University of North Carolina Law School. The Center focuses on education, housing,

community development, economic justice and voting rights throughout the South. Mr. Chambers is a prolific author of many books and articles and has taught at numerous law schools.

Please join me in welcoming this extraordinary man—Julius Levone Chambers.

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Thank you very much, Professor Kujovich and Dean Jefferson. I appreciate your comments, bringing us together, and allowing me to come and join you at this fine law school. You have been talking about this school now for some time, and I now have a chance to see it.

I was thinking last night that I might never see it. But I was persistent just like you have been. I have never been on a plane three times and thrown off three times. But I told them that Dean Jefferson told me I had to be here, so I was going to get there. They put me off United and they put me on U.S. Air, and I was trying to find out if there were any other airlines that came to this place. Anyway, I got here, and this is really a beautiful country. I really appreciate the opportunity. I have been to Vermont before. I came here with the American Bar Association, but this is more special.

I have known Dean Jefferson for many years. In her introduction, she said that she came and worked with me when I was with the Legal Defense Fund, and I sent her to her home to help rescue some Black people who were being prosecuted. By the way, she was the only one who could talk to those people, and she did rescue them. I think we did well in getting her involved.

I can understand how she has stayed here as long as she has. It has been extremely important for this area as well, and Dean Jefferson is really a fantastic person. We all benefit from her brilliance, friendliness, and appreciation of all people. I did, and I really enjoyed working with her at the Fund and after she left the Fund.

I was told that I was to come and talk about the Martin Luther King challenge to all of us, and that you were commemorating *Brown v. Board of Education*,¹ and commemorating Dr. King and his teachings. I am humbly pleased to make these brief comments.

I will tell you that when I first got out of law school and started working with the Legal Defense Fund, the first case I was assigned to work on was a case involving Dr. King and his supporters in Albany, Georgia. They had been in Albany and the U.S. attorney thought that they had helped to incite a riot, the riot being that you had a lot of Black people marching.

1. *Brown v. Bd. of Educ.*, 349 U.S. 294 (1955).

He called all these people before the grand jury for an indictment, and they all told the grand jury that they didn't come because of Dr. King. They came because they wanted to come and they didn't hear anybody talking about a riot. Anyway, that was sufficient for them to indict about twenty people. C.B. King,² who some of you may know, Don Hollowell,³ who some of you might know, and Constance Baker Motley,⁴ and I assume all of you know Connie Motley, were there working on this case. I joined those three in defending these people accused. It was really one of the greatest experiences I had had.

I remember Connie Motley telling C.B. to read an article from the Atlanta Constitution, because we were trying to prove that we could not get a fair trial in this city. C.B., with his heavy melodious voice, read an article from the Atlanta Constitution and said that these people had been indicted and the theory was if they could base it on what our clients had said, he could get an indictment for perjury and we ought to be able to get the case moved to another place. And we had a judge who did not want us there.

The one great thing going on that happens frequently in civil rights cases is that the judge had to go to another place in Georgia because the hunting season had started—duck hunting season—and that was more important than our trial, so our trial was continued. Our folks never were convicted.

They shipped me then to Danville, Virginia, again with Dr. King. There we had about seven thousand demonstrators, we had a judge who thought all of us were criminals, and we all had to be searched when we went to court every day. The judge came in with a pistol. So we went through that trial, and after they convicted seven thousand people and we appealed, they decided that they did not want to prosecute those cases anymore. So all of those cases were dismissed.

And then we went on from one sad case to another. When I had six months experience with Dr. King and the demonstrators, I had another experience that I will tell you about in a minute or two and get to what I'm supposed to talk about.

I went to Howard University, with Jack Greenberg, now judge, who used to be the head of the National Association for the Advancement of Colored People (NAACP), and, oh God, fifteen other civil rights lawyers.

2. J.D., Case Western Reserve University, 1952; B.A., Fisk University, 1949. King was the only African-American lawyer south of Atlanta who accepted civil-rights cases.

3. J.D., Loyola University Chicago School of Law, 1951; B.A., Lane College, 1947. Hollowell was a civil-rights attorney who defended Dr. Martin Luther King, Jr. and other civil-rights activists. Hollowell and co-counsel secured Dr. King's release from the Georgia State Prison in 1960.

4. J.D., Columbia Law School, 1946; B.A., New York University, 1943. Motley was a civil-rights attorney and the first African-American female federal judge.

We were trying to talk to demonstrators about their risk in going in stores and restaurants. We all said, “You can’t do that, so you have to stop.” Well if you knew anything about the Student Nonviolent Coordinating Committee (SNCC) or the group of high school students we were talking to and others, you knew that we weren’t making very much headway.

They said, “Look lawyer, you went to law school, so your job is to get me out of jail when I get in jail. So don’t tell me don’t get in jail. You get me out.” You can imagine Jack Greenberg sitting there telling people, “Don’t go do that.” James Nabrit, Jr., one of the most conservative brothers I had, trying to tell these demonstrators not to go demonstrate, and you may or may not have heard of Joseph L. Rauh, Jr. Joe Rauh was a great civil rights lawyer, who said, “Well, look fellows, I think we were told correctly. We are to get these people out of jail, because we certainly aren’t going to keep them from going.” And I remember Joe Rawls arguing in the Supreme Court about the demonstrations in Maryland,⁵ and Jack arguing about the demonstrations in South Carolina. Fortunately, in all of those cases the demonstrators were released. I wonder what would have happened if they had to spend some time in jail, but fortunately they were released.

Today, we celebrate the life and teachings of Dr. Martin Luther King, Jr. He dreamed that one day all of us—black and brown, red and white—would hold hands and make our contributions to the world without consideration of race or color or other irrelevant factors.

If you were Black or a minority during Dr. King’s era, you understood his dreams and desires. You never understood the justification for the racial divide or the relegation of African-Americans to a separate society.

If you were White or a non-minority, you never understood the need or demand for change. As far as you knew, society had always been the way it was; you were always preferred, so why change. Moreover, you always viewed minorities as inferior, and you did not want to see that changed.

I fortunately got to participate with Dr. King in this monumental struggle. I lived and experienced racial segregation, the disadvantages of African-Americans based on their skin color. I attended the segregated schools and saw the inferior facilities and programs minorities were forced to use. And, like Dr. King, I wanted to see change, and to see it now.

Since 1954, we have witnessed some major changes. We began with integration of our schools. I think back over the years of racial apartheid and segregation. I remember the limited dreams I faced because I could never break the glass ceiling. I was frustrated that very little had changed. Our elementary schools, our middle and high schools, and our colleges and

5. *Griffin v. Maryland*, 378 U.S. 130 (1964).

universities were still all Black or all White, and I still could not shop in major stores, eat in a White restaurant, or get a job because of race and color.

And then the Supreme Court decided *New Kent County* and held that *Brown v. Board of Education* indeed imposed an affirmative obligation on school districts to desegregate.⁶ School districts were to eliminate all vestiges of past discrimination, root and branch.

Based on *New Kent County*, the Court extended its ruling in *Swann v. Charlotte-Mecklenburg Board of Education*.⁷ School districts were to eliminate all vestiges of past discrimination, even in large metropolitan school districts, and bus students where necessary. And the law that applied to school districts governed others who discriminated on the basis of race, either under the Constitution or under a federal statute.

The African-American community was elated with *Swann*. We had begun to see, for the first time, some meaningful integration. Across the South and North, East and West, Black and White students, or minority and non-minority students, were assigned to schools generally without consideration of race. But hidden in *Swann* was gratuitous language from the then Chief Justice Burger that, at some point, school districts will discharge their responsibility and federal courts thereafter will have no justification or jurisdiction to direct further relief.

During the same period, the Court granted relief to minorities and women in employment, in housing, in voting rights, but just as quickly, as in education, the Court began to reverse or modify its position.

In the mid-1960s, civil-rights litigants believed they had made progress and were beginning, at least, to eliminate the blight of race discrimination: *Swann* and *Davis v. Mobile Alabama*⁸ in public education, requiring the elimination of all vestiges of past discrimination “to the greatest extent possible”; *McDonnell Douglas v. Green*⁹ in employment; and *Thornburg v. Gingles*¹⁰ in voting rights, among others, made it easier for plaintiffs to establish constitutional or civil-rights violations and to obtain reasonably effective relief. They created or perpetuated a belief that things were getting better, that Dr. King’s dream would be realized.

But in the midst of all of this success civil-rights claimants forgot the admonition of Dr. King. Following the success of the Montgomery Bus Boycott, he spoke to his followers:

6. *Green v. County School Bd. of New Kent County, Va.*, 391 U.S. 430 (1968).

7. *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1 (1971).

8. *Davis v. Bd. of Sch. Comm’rs of Mobile County, Ala.*, 390 F.Supp. 1045 (S.D.Ala. 1975).

9. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

10. *Thornburg v. Gingles*, 478 U.S. 30 (1986).

Things that we must never forget as we ourselves find ourselves breaking loose from an evil [Empire], trying to move through the wilderness toward the promised lands of cultural integration [T]he oppressor never voluntarily gives freedom to the oppressed. You have to work for it Freedom is never given to anybody, for the oppressor has you in domination because he plans to keep you there, and he never voluntarily gives it up Privileged classes never give up their privileges without strong resistance.

So don't go out [today] with any illusions. Don't go back into your homes . . . thinking that . . . all the forces in leadership . . . will eventually work out this thing for Negroes, it's going to work out; it's going to roll in on the wheels of inevitability. If we wait for it to work itself out, it will never be worked out! Freedom only comes through persistent revolt, through persistent agitation, through persistently rising up against the system of evil The bus protest is just the beginning [The same is true of our efforts to improve educational opportunities, or to obtain better jobs or medical care or housing.] If [we] stop now, we will be in the dungeons of segregation and discrimination for another hundred years.¹¹

As we celebrate, even today, our limited accomplishments, we must remember Dr. King's words as our public schools re-segregate. Our minority children are consistently scoring poorly on standardized examinations. The gaps in earning and advancement and health care persist. Residential segregation remains as pervasive as before *Brown*. In short, we haven't corrected the problems of race. And we remain concerned with the increasing discrimination we see almost daily, including the hanging nooses, the racial slurs, and the Supreme Court's decision during the past term in *Parents Involved In Community Schools v. Seattle* and *Meredith Custodial Parent And Next Friend of McDonald v. Jefferson County Board of Education*.¹² I believe their decision, unless challenged, can be as devastating as *Dred Scott*.¹³ I have argued that this decision potentially can reverse *Brown v. Board of Education*. My friends at the Legal Defense Fund tell me that I am overstating the case. That may be true, but I know, as you must know, how judges can read cases to extend rulings. And the kind of judges we are getting now—people who read the Constitution strictly,

11. Martin Luther King, Jr., *The Birth of a New Nation* (April 7, 1957), in PAPERS OF MARTIN LUTHER KING, JR. 161 (Clayborne Carson, Ralph E. Luker, & Penny A. Russell, eds., 1992).

12. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 127 S. Ct. 2738 (2007).

13. *Dred Scott v. Sandford*, 60 U.S. 393 (1857).

literally, or to achieve the objective they want to reach like in *Parents Involved*—may read the decision to achieve their objective.

Would the Court rule that race cannot be considered by school officials in making student assignments? Can the Court consider race in deciding whether a constitutional violation has occurred, or in correcting a constitutional violation? Can race be considered in determining whether a voting-rights violation has occurred or in devising a remedy for a voting-rights violation? Would the Court consider race in deciding whether African-Americans were excluded from juries or in promotions?

In short the decision raises serious questions about all of the progress we've made over the past years. It raises questions whether Dr. King's dream will ever be realized. With all these questions and the challenge to everything civil-rights advocates have pursued over the past fifty years, one wonders where was the public outcry, the protest, the persistent protests that Dr. King advocated.

First, all of us have become too complacent. Many of us assume that race discrimination is no longer a problem. We watch Senator Obama's campaign for President. We remain ambivalent—some hopeful, but most of us are still skeptical that we can now forget about race. We are concerned that this country is not ready to elect a Black as President. Despite expressions of support from Whites, we worry about their votes once they get in the privacy of a voting booth. We also question ourselves. Can I vote for the person I believe will be most helpful for me and my people without regard to race, color, gender, or religion? In short, while we criticize others, we are afraid to examine ourselves.

We also remain skeptical about the best way for eliminating racial considerations. One thing remains clear, however. Race remains a major factor affecting our lives, our opportunities, and the hopes of our country, and it will remain a major factor until we decide to take an honest look at ourselves and at others.

Second, the troops and resources we had to help us in addressing the problem of race are not as readily available today as they were during Dr. King's era. And I tell you, that is one reason I was glad to come and speak to you today, to make this plea that I have been making across the country. We desperately need more of you to become involved as lawyers helping to provide assistance for the poor and for those disadvantaged because of race, or gender, or religion.

Let me give you a personal example. I litigated a case; you may have read about it, years ago, called *Moody v. Albemarle Paper Company* or

Albemarle Paper Company v. Moody.¹⁴ Joe Moody was a young Black man from Roanoke Rapids, North Carolina, who could neither read nor write. He came and asked for assistance because he could not be promoted within the Albermarle Paper Company for one of the paper machines. He couldn't advance, we thought, because of race, and the company said because he could not read or write. Then we found that there were a lot of Whites working on the machines who could not read or write. They got there when they did not have to take a test, and they were spared. In any event, we finally prevailed in *Albemarle Paper Company v. Moody*. The court granted us pretty extensive relief. We were able to provide that protection to Joe Moody and to the Black employees of Albemarle Paper Company, because we had lawyers not demanding a million dollars for every case in which they got involved, and we had a legal defense fund that would provide funding assistance.

Joe Moody came to me three months ago with another case, and I went around and talked with lawyers and others about providing assistance for Joe Moody. Lawyers today want lawyers' fees. In North Carolina, in New York, in Georgia, in Texas, I can't find the righteous attorneys I was able to find when we started with Joe Moody. I don't know what I would find in Vermont, or Massachusetts, or Maine. You will look, I assure you, because I see it every day.

People think that I am a civil rights lawyer that doesn't charge, and so some of them come and ask for help. Like the parent who said that his kid was going to a segregated school in Kinston, North Carolina. The school system wouldn't maintain a desegregated school because the Supreme Court had just decided the Seattle case and held that the school district couldn't consider race. And so, although this child was in an all-Black school, the school district couldn't consider that in providing any relief. They wanted to bring a lawsuit. Or it could be the parent in Wayne County, North Carolina, whose child scores below the minimum on standardized tests and so the child can't get a high school diploma. You go ask lawyers to become involved and you figure they all want four hundred to five hundred dollars an hour, and the parents, I know, perhaps, unlike the parents you know, can't afford to pay that kind of fee, and then picket. I can understand lawyers who say they have gone to law school and have ended up in debt: \$150,000 in student loans. They have to make some money to pay it back, but we have increasingly more poor people who simply can't afford to engage our American judicial system, and we have failed them. You and I.

14. *Albemarle Paper Co. v. Moody*, 422 U.S. 405 (1975).

And so when I get a chance to go around to a law school, I take advantage of it, and I go and make a plea. We need you to get involved, to provide assistance to these hundreds of families. I was in Los Angeles the other day, and these people aren't all Black, they're all colors, and they're literally begging for assistance. We have a program at the University of North Carolina now called the Center for Civil Rights, and we started working with minority families, trying to argue about the zoning practices of cities. I couldn't believe that in Pinehurst, North Carolina—you all haven't traveled much unless you've heard of Pinehurst; it's the conference center of America—we have Black families that have grown up around Pinehurst who still can't get city water and sewage. Why? Well, the silly sewage line hasn't run to their neighborhoods.

Anyway, we found that in California we have the same problem, and so we are joining with the Center for Civil Rights in an effort to challenge, legally, city practices that exclude poor or racially identifiable areas from city services and support. There are hundreds of them across America. They, too, are begging for your assistance.

Lastly, in that vein, we decided a case in North Carolina we call *Leandro v. State of North Carolina*.¹⁵ In *Leandro*, we decided that under the North Carolina Constitution, every child is entitled to a sound and basic education. We went through and defined a sound, basic education, but in effect we said every child should come out of high school able to read and write and compete in a college or university of his or her choice. We said that if a school district fails to provide that kind of education, it is depriving that child of a constitutional right. We have children now all over North Carolina literally begging for help in trying to get a better education. We are also working with that decision trying to challenge what the Supreme Court decided in the Seattle and Louisville cases. Now, we're doing that in North Carolina; South Carolina has this same problem; Georgia has the problem; Texas has the same problem; California has the same problem, and we need your help, even here in Vermont.

Now, as we commemorate Dr. King today, we can each dedicate ourselves and our resources to continue the work and dreams of Dr. King. Each of us has a responsibility to challenge discrimination wherever we see it, and to protest governmental practices that deprive people of equal rights based on their race or color, or disability, or poverty. We can't stand back and do nothing.

Have we become too advanced, too educated, too safe in our new position to even raise a question now about discrimination? Do we dare

15. *Leandro v. State*, 488 S.E.2d 249 (N.C. 1997).

suggest that friends of ours might be racist or intolerant? Are we worried that we will not be invited to join the country club or to live in the exclusive section of town? Have we abandoned Dr. King once again, just as the disciples abandoned Christ and refused to speak up?

I must tell you that after forty-five years of civil-rights litigation, I have become more concerned today that despite our celebration of Dr. King's holiday, we are engaging more in show than in trying to reach out in brotherly and sisterly love to help our brothers and sisters.

I watch in my hometown with more and more reports about how poorly your Black children are performing on standardized exams, the increasing gap in health care and life expectancy, and all of the other indicia of quality of life. And we fail to protest or challenge our leaders, including our President.

We can begin today with a renewed commitment to the life and teachings of Dr. King. We can begin with a look at ourselves. Thank you.